

582  
DAC #10  
PTO/SB/64 (3-98)Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
Cell 4.17

First named inventor: R. Kucherlapati

Application No.: 08/724,752

Group Art Unit: 1632

Filed: October 2, 1996

Examiner: Karen Hauda

Title: HUMAN ANTIBODIES DERIVED FROM XENOMICE

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to the Office action mailed on August 5, 1997, which set a three month/day period for reply. The abandonment date of this application is February 6, 1998 (i.e., the day after the expiration date of the period set for reply plus any extensions of time obtained therefor).

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

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FEB 26 1999

OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

## 1. Petition fee

Small entity - fee \$ 605.00 (37 CFR 1.17(m))  
 Small entity statement enclosed herewith.  
 Small entity statement previously filed.  
 Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of an Amendment and Response (identify type of reply):

has been filed previously on \_\_\_\_\_  
 is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_  
 has been paid previously on \_\_\_\_\_  
 is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

02/25/1999 00000070-657248-5.00  
01 FG: 01 FG:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the number of months from the date of abandonment to the filing of this petition is enclosed herewith.

## 4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. Check box A, or check box B and/or C as applicable and include an explanation of the delay on a separate sheet or on supplemental sheet PTO/SB/64A.

A This petition is filed within three months of the date the applicant was first notified, or otherwise became aware, that the application was abandoned and within one year of the date of abandonment of the application.

B This petition is not filed within three months of the date the applicant was first notified, or otherwise became aware, that the application was abandoned. A detailed explanation of the cause of the delay in filing the petition is attached on a separate sheet or on supplemental sheet PTO/SB/64A.

C This petition is not filed within one year of the date of abandonment of the application. The applicant first became aware of the abandonment on \_\_\_\_\_. A detailed explanation of the delay in discovering the abandoned status of the application is attached on a separate sheet or on supplemental sheet PTO/SB/64A.

February 5, 1999

Date

Telephone  
Number: (212) 596-9060Jane T. Gunnison

Signature

Jane T. Gunnison

Typed or printed name

FISH & NEAVE

Address

1251 Avenue of the Americas, NY, NY 10020Enclosures:  Fee Payment Reply Terminal Disclaimer Form Small Entity Status Form (copy) Additional sheets containing statements establishing unintentional delay Petition For Extension of Time with check.

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

2/5/99

Date

Jane T. Gunnison

Signature

Jane T. Gunnison

Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner

Karen Hauda

Group

1632

Applicants

R. Kucherlapati et al.

Serial No.

: 08/724,752

Filed

: October 2, 1996

For

: HUMAN ANTIBODIES DERIVED FROM  
IMMUNIZED XENOMICE



New York, New York

February 25, 1999

**RECEIVED**

Hon. Assistant Commissioner  
for Patents

Washington, D.C. 20231

**FEB 26 1999**

OFFICE OF PETITIONS  
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SUPPLEMENT TO PETITION UNDER 37 CFR §1.137(b) TO REVIVE  
AN UNINTENTIONALLY ABANDONED PATENT APPLICATION

Sir:

This is a supplement to applicants' Petition Under 37 C.F.R. § 1.137(b) (Form PTO/SB/64), filed concurrently herewith. Applicants are filing the petition more than three months after becoming aware that the above-identified application was abandoned. Accordingly, applicants submit herewith the explanation for the delay in filing this petition.

Applicants transferred the above-identified application, along with a large number of related patent applications, to Fish & Neave for prosecution in July of 1997. During the transition period an August 5, 1997 Office Action was apparently mailed to applicants' former representatives (copy of first page enclosed). The Office

Action was never received by applicants or Fish & Neave. Nor have applicants' former counsel been able to locate a copy in their files. They believe it was never received.

Applicants and Fish & Neave received a Notice of Abandonment on April 30, 1998.

Applicants delayed petitioning to revive the unintentionally abandoned application and filing the required response to the outstanding Office Action while they developed an overall strategy for advancing the prosecution of the family of seventeen applications of which this application is a member.

From the date they became aware that the instant application was inadvertently abandoned until the present, applicants have been working diligently with Examiner Hauda to review the pending applications, including this application, and to work out an efficient strategy for expediting the prosecution of the inventions disclosed therein. With the help of Examiner Hauda and SPE Stanton, applicants have made progress toward that goal. Applicants' have now been able to file this petition to revive the unintentionally abandoned application and to submit claims in an Amendment and Response to the August 5, 1997 Office Action, that take into account language that the Examiner has indicated to be acceptable.

Grant of this petition is requested.

Respectfully submitted,

I HEREBY CERTIFY THAT THIS  
CORRESPONDENCE IS BEING  
DEPOSITED WITH THE U.S.  
POSTAL SERVICE AS FIRST  
CLASS MAIL IN AN ENVELOPE  
ADDRESSED TO: ASSISTANT  
COMMISSIONER FOR PATENTS  
WASHINGTON D.C. 20231, ON

February 5, 1999

Jane T. Gunnison

Name of person signing

Jane T. Gunnison

Signature of Person Signing

Jane T. Gunnison  
Jane T. Gunnison (Reg. No. 38,479)  
Attorney for Applicants  
c/o FISH & NEAVE  
1251 Avenue of the Americas  
New York, New York 10020-1104  
Tel.: (212) 596-9000